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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,648

05/19/2004

David Silvers

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08/16/2006

MCGARRY BAIR PC  
171 MONROE AVENUE, N.W.  
SUITE 600  
GRAND RAPIDS, MI 49503

EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,648	<b>Applicant(s)</b> SILVERS, DAVID	
	<b>Examiner</b> Timothy Edwards, Jr.	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                        |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
2. Claim 1 recites the limitation "the data collection and transmission processor" in lines 21-22. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 2 recites the limitation "the data store computer processor" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Objections***

4. Claim 21 is objected to because of the following informalities: claim 21 does not end in a (.) period. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tubel et al '896 (submitted in IDS), and further in view of Maxit et al US 6,798,350.

Art Unit: 2612

Considering claim 1, Tubel discloses a well monitoring system comprising, a) a central data store adapted to receive data (see col 5, line 65 to col 6, line 9 and col 7, line 49-60 and fig 1, item 10); except Tubel does not specifically recite transmitting data via a predefined communication path. Tubel teaches (see col 13, lines 2-21 and fig 1) a method of transmitting data that interfaces with other surface systems for the transfer of data and commands. Maxit discloses a method of transmitting well bore data via a predefined communication path (see col 3, lines 6-14 and col 5, lines 13-25). Maxit also show in fig 1 a method of transmitting data from a plurality of platforms via satellite to a plurality of platforms and to a remote location, from one platform to another platform to a remote location. Therefore, it would have been obvious to one of ordinary skill in the art to use the defined communication path as taught by Maxit in the Tubel system because both systems are concern with the transmission of data from multiple wells associated with multiple platforms to a remote location; b) a plurality of well monitors (22) (see fig 6); c) well monitors are programmed to receive signals representative of data from other well monitors and transmit the received data to other well monitors (see col 5, lines 5-7, line 65 to col 6, line10 and lines 29-33 and fig 1); d) except a data transmission processor adapted to be placed in a spaced location is not specifically recited by Tubel. However, Tubel teaches the use of platform systems associated with a plurality of wells having means to transmit and process oil or gas production data (see fig 5). One of ordinary skill in the art would readily recognize the platforms of Tubel system functional addresses the claimed data transmission processor; e) the data transmission processor having means to receive data from a well monitor process the received signal and

Art Unit: 2612

transmit the received signal to a central data store (see col 9, lines 36-64); f) data is transmitted by hopping from well monitor to well monitor to a central store (see col 5, lines 5-7, line 65 to col 6, line 10 and lines 29-33, col 13, lines 39-63 and fig 1).

Considering claim 2, Tubel does not specifically recite making selective stored data available to remote users. Tubel discloses monitoring the well system from a plurality of locations. Also, Tubel discloses the system is capable of transmitting and receiving data from location away from the well site (see col 4, lines 64-67, col 5, line 65 to col 6, line 9 and col 9, lines 24-35). Therefore, it would have been obvious to one of ordinary skill in the art the data produced by the Tubel well system would be accessible to those the data would be most pertinent to because Tubel discloses the important function of his system is to predict the future flow profile of multiple wells and monitor and control the well system.

Considering claim 3, Tubel discloses the limitation of this claim (see col 5, line 55 to col 6, line 23 and col 8, lines 9-16).

Considering claims 4,9 the limitation of these claims is interpreted and rejected as stated in claims 2 and 3.

Considering claims 5,10 the limitation of these claims is interpreted and rejected as stated in claim 1, part (a).

Considering claim 6, Tubel does not specifically recite transmitting data at 900MHZ frequency band from the well monitors. Tubel discloses using wireless communication (see col 11,lines 40-54). One of ordinary skill in the art would readily recognize the use of this frequency band is well known in the radio wave transmission.

Considering claim 7, Tubel does not specifically recite the use of transistor-transistor logic (TTL) level voltage. However one of ordinary skill in the art readily recognize the use of TTL level voltage in electronic devices is well known in the art.

Considering claim 8, Tubel does not specifically recite measuring and recording oxygen contents in a gas line and transmitting this data. Tubel does recite the measuring and recording of parameters of interest in his system (see fig 6). Therefore, it would have been obvious to one of ordinary skill in the art to measure and record any parameter of interest in a system.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2612

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-14,17-19,23-29,31 are rejected under 35 U.S.C. 102(e) as being anticipated by Maxit et al '350.

Considering claim 11, Maxit discloses a method of communicating between wells comprising, a) sending from a central data store to a field station a request data packet intended for a destination well unit (see col 4, lines 23-34 and col 3, lines 6-13); b) transferring the request data packet from the field station to a first well via radio wave (see fig 1); c) determining if the first well unit is the destination well unit (see col 3, lines 14-17); d) if first well unit is not the destination unit, hopping the request along to the destination well unit (see col 3, lines 17-18).

Considering claims 12,14,17 Maxit discloses the limitations of these claims (see col 3, lines 33-36).

Considering claim 13, Maxit discloses the limitation of this claim (see col 7, lines 14-18 and 35-42).

Considering claim 18, Maxit discloses the limitation of this claim (see col 3, lines 6-13 and col 4, lines 17-30).

Art Unit: 2612

Considering claim 19, Maxit discloses the limitation of this claim (see col 4, lines 17-34, col 5, lines 13-25 and col 6, lines 38-57).

Considering claims 23-26, Maxit discloses the limitations of these claims (see col 4, lines 17-30).

Considering claim 27, Maxit discloses the limitation of this claim (see col 3, lines 29-33 and col 4, lines 17-30).

Considering claim 28, Maxit discloses the limitation of this claim (see col 6, lines 10-25).

Considering claim 29, Maxit discloses the limitation of this claim (see col 5, lines 20-24 and fig 1).

Considering claim 31, Maxit discloses the limitation of this claim (see col 3, lines 6-17 and fig 1).

5. Claims 15,16,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxit as applied to claim 11 above, and further in view of Tubel et al US 6,873,267.

Considering claim 15 Maxit does not specifically recite sending a response packet via the Internet. Maxit teaches the sending of a response package to a remote station to



Art Unit: 2612

indicate the completion of a task. Tubel teaches the bi-directional communication between a control and data acquisition disposed on the Internet. One of ordinary skill in the art would readily recognize the use of the Internet to send and receive data is well known in the art as taught by Tubel. Therefore, it would have been obvious to one of ordinary skill in the art to use the internet as a means to transmit and receive data in the Maxit system because both systems are concern with the transmitting of data to a remote location and optimizing down hole operation parameter utilization. Tubel teaches production management can be accomplished via the Internet at any given time and from any location.

Considering claim 16 Maxit does not specifically recite sending a request data packet via the Internet. Maxit teaches sending a request packet between two stations. Tubel teaches sending command via the Internet to a down hole sensing system.

Obviousness is as stated in claim 15.

Considering claim 20 the limitation of this claim is interpreted and rejected as stated in claim 16.

6. Claims 21,22,30,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maxit et al.

Art Unit: 2612

Considering claim 21 Maxit does not specifically recite correlating transmitted data according to wells at a central location. Maxit discloses requesting data from a plurality of well holes by a central location. One of ordinary skill in the art would readily recognize this data must be associated with previous data to optimize the wells functions.

Therefore, it would have been obvious to one of ordinary skill in the art the Maxit system would correlate any and all data received from a particular well in order to optimize the wells functions (see col 5, lines 17-20).

Considering claim 22 Maxit does not specifically recite accessing selected portions of store data at a central data location. Maxit discloses being able to access data from any location (see col 4, lines 23-34 and col 5, lines 21-24). One of ordinary skill in the art would readily recognize any data required (or any portion of data) by a remote location would be accessible by those having a need to obtain this data. Therefore, it would have been obvious to one of ordinary skill in the art the Maxit system has the capability to access any portion of data at a central data location because Maxit discloses he desire to receive and transmit data from a multiple of locations.

Considering claim 30 Maxit does not specifically recite the frequency used in his wireless transmission. Maxit discloses using wireless communication (see fig 1). One of ordinary skill in the art would readily recognize the use of this frequency band is well known in the radio wave transmission.

Considering claim 32, Maxit does not specifically recite measuring and recording oxygen contents in a gas line and transmitting this data. Maxit does recite the measuring and recording of parameters of interest in his system (see fig 2). Therefore, it would have been obvious to one of ordinary skill in the art to measure and record any parameter of interest in a system.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gonsoulin at el '650 and Kohl et al '444 discloses the use of an intermediate data collection unit. Altamirano et al '587 teaches accessing well bore data via the Internet.

Any inquiry concerning this communication should be directed to Examiner Timothy Edwards, Jr. at telephone number (571) 272-3067. The examiner can normally be reached on Monday-Thursday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (571) 272-7308.

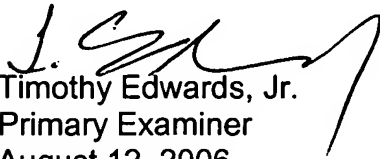
Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be fax to:

Art Unit: 2612

(571) 273-8300 (for formal communications intended for entry).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov> or contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Timothy Edwards, Jr.  
Primary Examiner  
August 12, 2006